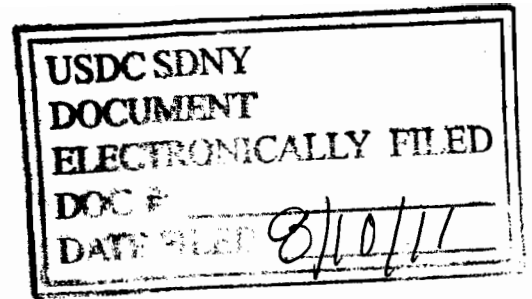


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



JAMES J. HAYES, Individually and on  
Behalf of All Others Similarly  
Situated,

Plaintiffs,

V.

HARMONY GOLD MINING COMPANY LIMITED,

Defendant.

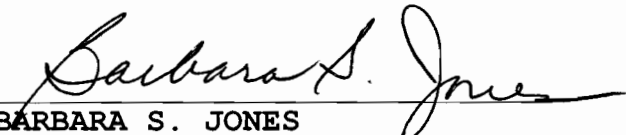
08 Civ. 3653 (BSJ) (MHD)

## Order

BARBARA S. JONES  
UNITED STATES DISTRICT JUDGE

On August 2, 2011, the Court signed an Order preliminarily approving the settlement of this action and providing for notice of the settlement. (Dkt. 74.) Two days later, on August 4, 2011, the class representative, James J. Hayes, filed an opposition to the preliminary approval of the settlement. Although the Court declines to reconsider its August 2 Order, the Court directed Docket Services to accept Mr. Hayes' opposition for filing. The Court will consider Mr. Hayes' opposition at the fairness hearing (scheduled for November 10, 2011 at 2:00 p.m.), prior to final approval of the settlement.

SO ORDERED:

  
BARBARA S. JONES  
UNITED STATES DISTRICT JUDGE

Dated: New York, New York  
August 9, 2011